

CAUSE NO. PD-0556-18

KARL DEAN STAHMANN, Appellant

v.

THE STATE OF TEXAS, Appellee

FILED
COURT OF CRIMINAL APPEALS
12/7/2018
DEANA WILLIAMSON, CLERK

**CAUSE NO. 13-16-00400-CR
IN THE COURT OF APPEALS, THIRTEENTH-SUPREME
JUDICIAL DISTRICT**

Appealed from Cause No. CR2013-409, Comal County, Texas, 207th
Judicial District, Honorable Jack H. Robison, presiding

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE
BRIEF**

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL
APPEALS:

COMES NOW, KARL DEAN STAHMANN, appellant, pursuant to *U.S.*

Const., Amends. 5 & 14, *Tex. Const.*, Art. I, Secs. 13 & 19, and the *Tex.R.*

App.Proc., not limited to Rules 4.1, 10.5, 38.6 and 38.9, and moves the

Court to extend the time for filing appellant's brief THIRTY (30) days to

January 14, 2018 (first weekday after 30th day), and shows:

I. PROCEDURAL HISTORY.

On or about May 12, 2016, appellant, on plea of not guilty, was convicted by jury of tampering with physical evidence, a 3rd degree felony. The court sentenced him to 10 years Texas Department of Criminal Justice-Institutional Division and a \$5000.00 fine, probated for 10 years. *Notice of Appeal* was filed June 8, 2016. The case was transferred to the Thirteenth

Court by the Third Court of Appeals of Texas on July 15, 2016.

On January 4, 2018, that court reversed and remanded to the trial court “with instructions to reform the judgment to reflect a conviction for the offense of attempted tampering with physical evidence, a state jail felony,[] and for further proceedings, including a new punishment hearing, consistent with” its opinion. Stahmann v. State, 548 S.W.3d 46(Tex.App.- Corpus Christi2018).

After granted extension, the State filed a *Motion for Rehearing* and a *Motion for Rehearing Enbanc* on February 2, 2018. Appellant’s reply was filed on March 15, 2018. The Court denied the State’s motions on May 4, 2018.

After State’s *Motion for Extension of time to File Petition for Discretionary Review* was granted, the State filed its petition on July 6, 2018. This Court granted same on October 10, 2018.

The State’s brief was filed on November 13, 2018.

II. NO PREVIOUS EXTENSIONS.

Appellant has had no prior extensions to file his brief.

III. TIME OF MOTION.

The brief is due December 13, 2018. The motion is filed December 7, 2018, within 15 days thereof.

IV. REASONS FOR EXTENSION OF TIME.

Appellant requests an extension based on the following:

1. Counsel was ill from November 11 to 18, 2018, and unable to work on anything from November 11 to 14, 2018.
2. Counsel was out of town for Thanksgiving with his 82 year old mother and the rest of his family from November 20 to 25, 2018. He was unable to work on the brief during that time.
3. Counsel is a solo practitioner without support staff except telephone messaging. Since November 13, 2018, he has represented/is representing some 71 clients, with some 119 cases (approximately 70/118 appointed or jail). He disposed of some 11 clients and 21 cases (all appointed or jail) during that time.
4. Counsel will not be able complete the brief, as well as attend to all other cases and obligations. by its due date December 13, 2018. He believes it will be completed and filed by or before January 14, 2018. Thus, counsel asks this Honorable Court to extend the time for filing his brief of THIRTY (30) days to January 14, 2018 (first weekday after 30th day), so that appellant will be given a full and meaningful appeal and accorded due process and due course of law, his right to appeal and effective assistance of counsel.

WHEREFORE, appellant prays this Court grant this motion and extend the time for filing his brief for THIRTY (30) days to January 14, 2018 (first weekday after 30th day).

RESPECTFULLY SUBMITTED,
/s/ Christopher P. Morgan
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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE: I, Christopher P. Morgan, hereby certify a true copy of the foregoing Motion has been served on December 7, 2018, electronically, by sending it through efile.TXCOURTS.gov service on the following at the address shown:

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/s/ Christopher P. Morgan
Christopher P. Morgan